

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN B. GRAHAM,

Plaintiff,

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Administration,¹**

Defendant.

Case No. CIV-15-589-CG

ORDER

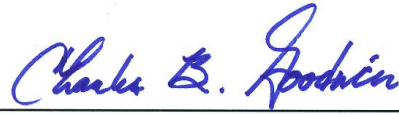
On September 30, 2016, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further administrative proceedings. *See* Doc. Nos. 22, 23. Plaintiff John B. Graham now timely requests an award of attorney’s fees in the amount of \$6026.60 pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. *See* Pl.’s Mot. Att’y Fees (Doc. No. 24); Pl.’s Br. (Doc. No. 25). Defendant has notified the Court that she has no objection to Plaintiff’s requested award. *See* Def.’s Resp. (Doc. No. 26) at 1.

Having considered the Motion and the relevant record, the Court GRANTS Plaintiff’s request (Doc. No. 24) and awards fees in the amount of \$6206.60, with said amount to be paid directly to Plaintiff and sent in care of Kyle J. Saunders, P.O. Box 1605, Ada, Oklahoma, 74820. If attorney’s fees are also awarded under 42 U.S.C. § 406(b),

¹ Nancy A. Berryhill, the current Acting Commissioner of the Social Security Administration, is hereby substituted as Defendant in this matter pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 22nd day of February, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE